

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 189

HOUSE BILL 2694

AN ACT

AMENDING SECTION 5-112, ARIZONA REVISED STATUTES; RELATING TO PARI-MUTUEL
WAGERING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-112, Arizona Revised Statutes, is amended to
3 read:

4 5-112. Wagering legalized; simulcasting of races; unauthorized
5 wagering prohibited; classification; report

6 A. Except as provided in subsection L of this section, section
7 5-101.01, subsection G and title 13, chapter 33, any person within the
8 enclosure of a racing meeting held pursuant to ~~the provisions of this article~~
9 may wager on the results of a race held at the meeting or televised to the
10 racetrack enclosure by simulcasting pursuant to this section by contributing
11 money to a pari-mutuel pool operated by the permittee as provided by this
12 article.

13 B. The department may, upon request by a permittee, MAY grant
14 permission for electronically televised simulcasts of horse, harness or dog
15 races to be received by the permittee. In counties having a population of
16 one million five hundred thousand persons or more according to the most
17 recent United States decennial census, the simulcasts shall be received at
18 the racetrack enclosure where a horse, harness or dog racing meeting is being
19 conducted, provided that the simulcast may only be received during,
20 immediately before or immediately after a minimum of nine posted races for
21 that racing day. In counties having a population of five hundred thousand
22 persons or more, ~~but less than one million five hundred thousand persons~~
23 according to the most recent United States decennial census, the simulcasts
24 shall be received at the racetrack enclosure where a horse, harness or dog
25 racing meeting is being conducted provided that the simulcast may only be
26 received during, immediately before or immediately after a minimum of four
27 posted races for that racing day. In all other counties, the simulcasts
28 shall be received at a racetrack enclosure at which authorized racing has
29 been conducted whether or not posted races have been offered for the day the
30 simulcast is received. The simulcasts shall be limited to horse, harness or
31 dog races. The simulcasts shall be limited to the same type of racing as
32 authorized in the permit for live racing conducted by the permittee. The
33 department may, upon request by a permittee, MAY grant permission for the
34 permittee to transmit the live race from the racetrack enclosure where a
35 horse, harness or dog racing meeting is being conducted to a facility or
36 facilities in another state. All simulcasts of horse or harness races shall
37 comply with the interstate horse racing act of 1978 (P.L. 95-515; 92 Stat.
38 1811; 15 United States Code chapter 57). All forms of pari-mutuel wagering
39 shall be allowed on horse, harness or dog races televised by
40 simulcasting. All monies wagered by patrons on these horse, harness or dog
41 races shall be computed in the amount of money wagered each racing day for
42 purposes of section 5-111.

43 C. Notwithstanding subsection B of this section, in counties having a
44 population of one million five hundred thousand persons or more according to
45 the most recent United States decennial census, simulcasts may be received

1 at the racetrack enclosure and at any additional wagering facility used by a
2 permittee for handling wagering as provided in section 5-111, subsection A
3 during a permittee's racing meeting as approved by the commission, whether or
4 not posted races have been conducted on the day the simulcast is received,
5 if:

6 1. For horse and harness racing, the permittee's racing permit
7 requires the permittee to conduct a minimum of nine posted races on an
8 average of five racing days each week at the permittee's racetrack enclosure
9 during the period beginning on October 1 and ending on the first full week in
10 May.

11 2. For dog racing, the permittee is required to conduct a minimum of
12 twelve posted races on each of five days each week for fifty weeks during a
13 calendar year at the permittee's racetrack enclosure.

14 D. Notwithstanding subsection B of this section, in counties having a
15 population of five hundred thousand persons or more but less than one million
16 five hundred thousand persons according to the most recent United States
17 decennial census, simulcasts may be received at the racetrack enclosure and
18 at any additional wagering facility used by a permittee for handling wagering
19 as provided in section 5-111, subsection A during a permittee's racing
20 meeting as approved by the commission, whether or not posted races have been
21 conducted on the day the simulcast is received, subject to the following
22 conditions:

23 1. For horse and harness racing, the permittee may conduct wagering on
24 dark day simulcasts for twenty days, provided the permittee conducts a
25 minimum of seven posted races on each of the racing days mandated in the
26 permittee's commercial racing permit. In order to conduct wagering on dark
27 day simulcasts for more than twenty days, the permittee is required to
28 conduct a minimum of seven posted races on one hundred forty racing days at
29 the permittee's racetrack enclosure.

30 2. For dog racing, the permittee is required to conduct a minimum of
31 nine posted races on each of four days each week for fifty weeks during a
32 calendar year at the permittee's racetrack enclosure.

33 E. In an emergency and upon a showing of good cause by a permittee,
34 the commission may grant an exception to the minimum racing day requirements
35 of subsections C and D of this section.

36 F. The minimum racing day requirements of subsections C and D of this
37 section shall be computed by adding all racing days, including any county
38 fair racing days operated in accordance with section 5-110, subsection F,
39 allotted to the permittee's racetrack enclosure in one or more racing permits
40 and all racing days allotted to the permittee's racetrack enclosure pursuant
41 to section 5-110, subsection H.

42 G. Notwithstanding subsection B of this section and subject to
43 subsections C and D of this section, during the period of the permit for
44 horse racing, wagering on dark day simulcasts of horse races at a permittee's
45 additional wagering facilities shall only be allowed for a maximum number of

1 days equal to the number of days of live horse racing scheduled to be
2 conducted at that permittee's racetrack enclosure during the permittee's
3 racing meeting, and during the period of a permit for dog racing, wagering on
4 dark day simulcasts of dog races at a permittee's additional wagering
5 facilities shall only be allowed for a maximum number of days equal to the
6 number of days of live dog racing scheduled to be conducted at that
7 permittee's racetrack enclosure during the permittee's racing meeting. The
8 number of days allowed for dark day simulcasting under this subsection shall
9 be computed by adding all racing days, including any county fair racing days
10 operated in accordance with section 5-110, subsection F, allotted to the
11 permittee's racetrack enclosure in one or more racing permits and all racing
12 days allocated to the permittee's racetrack enclosure pursuant to section
13 5-110, subsection H.

14 H. Simulcast signals or teletracking of simulcast signals does not
15 prohibit live racing or teletracking of that live racing in any county at any
16 time.

17 I. Except as provided in subsection L of this section, section
18 5-101.01, subsection G and title 13, chapter 33, any person within a
19 racetrack enclosure or an additional facility authorized for wagering
20 pursuant to section 5-111, subsection A may wager on the results of a race
21 televised to the facility pursuant to section 5-111, subsection A by
22 contributing to a pari-mutuel pool operated as provided by this article.

23 J. Notwithstanding subsection B of this section, the department, in
24 counties having a population of one million five hundred thousand persons or
25 more according to the most recent United States decennial census, ~~may, upon~~
26 AND ON request by a permittee for one day each year, MAY grant permission for
27 simulcasts to be received without compliance with the minimum of nine posted
28 races requirement.

29 K. Except as provided in this article and in title 13, chapter 33, all
30 forms of wagering or betting on the results of a race, including but not
31 limited to buying, selling, cashing, exchanging or acquiring a financial
32 interest in pari-mutuel tickets, except by operation of law, whether the race
33 is conducted in this state or elsewhere, are illegal.

34 ~~L. Until June 1, 2003, a permittee shall not knowingly permit a minor~~
35 ~~to be a patron of the pari-mutuel system of wagering. Beginning on June 1,~~
36 ~~2003, A permittee shall not knowingly permit a person who is under twenty-one~~
37 ~~years of age to be a patron of the pari-mutuel system of wagering.~~

38 M. Except as provided in title 13, chapter 33, any person ~~violating~~
39 ~~any provision of~~ WHO VIOLATES this article with respect to any wagering or
40 betting, whether the race is conducted ~~within~~ IN or ~~without~~ OUTSIDE this
41 state, is guilty of a class 6 felony.

42 N. Simulcasting may only be authorized for the same type of racing
43 authorized by a permittee's live racing permit.

1 O. ANY PERSON OTHER THAN A PERMITTEE UNDER THIS ARTICLE WHO ACCEPTS A
2 WAGER OR WHO BETS ON THE RESULTS OF A RACE, WHETHER THE RACE IS CONDUCTED IN
3 OR OUTSIDE THIS STATE, INCLUDING BUYING, SELLING, CASHING, EXCHANGING OR
4 ACQUIRING A FINANCIAL INTEREST IN A PARI-MUTUEL TICKET FROM A PERSON IN THIS
5 STATE OUTSIDE OF A RACING ENCLOSURE OR AN ADDITIONAL WAGERING FACILITY THAT
6 IS APPROVED BY THE COMMISSION AND THAT IS LOCATED IN THIS STATE IS GUILTY OF
7 A CLASS 6 FELONY.

8 P. PURSUANT TO SECTION 13-108, A PARI-MUTUEL WAGER OR A BET PLACED OR
9 MADE BY A PERSON IN THIS STATE IS DEEMED FOR ALL PURPOSES TO OCCUR IN THIS
10 STATE.

11 Q. THE DEPARTMENT AND THE ATTORNEY GENERAL SHALL ENFORCE SUBSECTIONS O
12 AND P OF THIS SECTION AND SHALL SUBMIT AN ANNUAL REPORT THAT SUMMARIZES THESE
13 ENFORCEMENT ACTIVITIES TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF
14 REPRESENTATIVES AND THE PRESIDENT OF THE SENATE. THE DEPARTMENT AND THE
15 ATTORNEY GENERAL SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF
16 STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC
17 RECORDS.

APPROVED BY THE GOVERNOR MAY 8, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2007.